



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Townsend & Townsend
Khourie & Crew
Steuart Street Tower
One Market Plaza
San Francisco, CA 94105

In re Application of :
James C. Paulson et al. :
Serial No. 08/063,181 : DECISION ON PETITION
Filed: May 14, 1993 :
Attorney Docket No. 14137-5-5 :
:

This is a decision on the petition filed July 26, 1993,
requesting that the above-identified application be accorded a
filing date of May 14, 1993.

The application was deposited on May 14, 1993. However, on June 15, 1993, Application Division mailed a notice requiring drawings of Figures 4A, 4B, 5A and 5B described in the specification and stating that the filing date would be the date of receipt of the omitted drawings. An oath or declaration in compliance with 37 CFR 1.63 and the surcharge set forth in 37 CFR 1.16(e), if necessary, were also required.

In response, the present petition was filed. Petitioners request that the application be accorded a filing date of May 14, 1993, the date the application was deposited in the Patent and Trademark Office without drawings labelled Figure 4A, 4B, 5A or 5B. Petitioners explain that the figures were not missing. Instead, the figures were incorrectly labeled. The present request is accompanied by a proposed amendment to the drawings wherein the drawings are corrected to show the labels for Figures 4A, 4B, 5A and 5B.

Since it is now clear that Figures 4A, 4B, 5A and 5B were present on May 14, 1993, albeit mislabeled, the application may be accorded that date as the filing date.

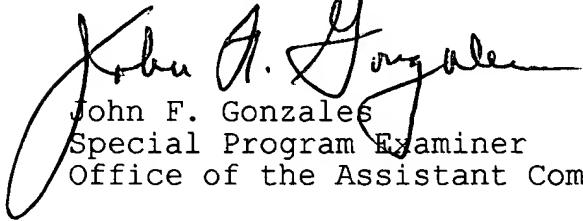
The petition is granted.

The "Notice" mailed June 15, 1993, is hereby vacated.

However, the \$130.00 petition fee will not be refunded, since a petition was necessary to correct applicants' filing error.

Applicants are given ONE MONTH from the date of this decision to file an oath or declaration in compliance with 37 CFR 1.63 and to pay the \$130.00 surcharge in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The oath or declaration should identify the specification to which it is directed by reference to the above-identified serial number and filing date. The response should be directed to the attention of Application Division.

The application is being returned to Application Division to await receipt of the oath or declaration and surcharge and for further processing with a filing date of May 14, 1993.



John F. Gonzales
Special Program Examiner
Office of the Assistant Commissioner for Patents

JFG